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Privacy and Access to Files

The Privacy Act of 1974, which is to go into effect on October 9, contains a congressional finding that "the right to privacy is a personal and fundamental right protected by the Constitution of the United States." P. L. 93-579, Section 2. (a)(4) The Freedom of Information Act also specifically recognizes personal privacy by exempting "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U. S. C. 552 (b)(6)

These two provisions of law appear to clearly rule out public release by a Federal agency of personal information private in nature. With respect to the files in the Special Counterintelligence Program, it is clear that the public release of any name without the express permission of the individual involved would constitute an unwarranted invasion of privacy which is clearly proscribed by the aforementioned Acts of Congress. The nature of the Counterintelligence Program is such that any such release moreover would create an inference that the individual was in fact linked to foreign elements interested in creating domestic unrest. Moreover, in view of the wide spread publicity surrounding the Counterintelligence Program any names released by the agency without the express permission of the individual involved, may be widely construed publicly as coming out of the holdings of the Special Counterintelligence Program even if this is not the case.

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